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July 11, 2023

Hon. Katherine Polk Failla, U.S.D.J.  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007  
VIA ECF

**MEMO ENDORSED**

**Re: Choinski v. Brown Meadow, Inc. et al.**  
**Docket No.: 22-cv-01058-KPF**

Dear Judge Failla,

I represent Plaintiff in this matter. I am writing jointly with defense counsel, seeking a third extension of time to file the Cheeks motion from today to July 24, 2023. The previous motions were approved for good cause and there is no prejudice to any party.

Please forgive the belated application for an extension of time. Opposing counsel, Mr. Brennan, advised that he would undertake a laboring oar in this regard before going away from office this week. Evidently, he did not manage to do it. Hence my epistolary effort.

The status of the settlement is as follows. Over a week ago, Mr. Brennan transmitted to Defendants a final version of the settlement agreement for their review and signature. Yet until today, I have not received a signed document. I will find out whether Defendants were willing to sign the documents when Mr. Brennan returns to the office on July 17. As I advised Your Honor, Plaintiff, a septuagenarian, is presently in Poland in a small town with limited access to the internet and scanner. He will need a few days to receive, execute, scan and send back to me the document. This is why Mr. Brennan and I agreed that Defendants must execute the document first.

Wherefore, counsel for the parties respectfully request an extension of time to file a Cheeks motion until July 24, 2023.

Thank you for your attention to the foregoing.

Respectfully submitted,

/s/ Robert Wisniewski  
Robert Wisniewski

cc:

Frank Brennan, Esq. via ECF  
*Counsel for Defendants*



Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket number 44.

Dated: July 12, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE